IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6369 of 2006()

CRIME NO.1037/2006 OF KOLLAM EAST POLICE STATION
CRMP.5424/2005 of DISTRICT COURT, KOLLAM

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PETITIONER/ACCUSED
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1. SANOVAR, S/O.AMANULLAH,
   VELIYIL VEEDU, PANTHRANDAM MURI,
   THATTAMALA P.O., KOLLAM.

2. HASEENA, D/O.AMANULLAH,
   VELIYIL VEEDU, PANTHRANDAM MURI,
   THATTAMALA P.O., KOLLAM.

3. RUKHIA BEEVI, W/O.AMANULLAH,
   VELIYIL VEEDU, PANTHRANDAM MURI,
   THATTAMALA P.O., KOLLAM.

4. AMANULLAH, S/O.EBRAHIMKUTTY,
   VELIYIL VEEDU, PANTHRANDAM MURI,
   THATTAMALA P.O., KOLLAM.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: COMPLAINANT AND STATE
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1. STATE OF KERALA,
   REP. BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   KOLLAM EAST POLICE STATION.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6369 of 2006

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Dated this the 6th day of November, 2006

O R D E R

The petitioners are accused Nos.1 to 4, in Crime No.1037/2006 of Kollam East Police Station, for the offence punishable under Sections 313 and 498A I.P.C. Read with Section 34 of the Indian Penal Code.

2. I heard the arguments advanced by both sides.

3. Annexure A1 is a scan report, which shows, inter alia, that the Gestational sac measured 36.6 x 21.6 x 33.8 mm, which corresponds to 8 weeks and 4 days of gestation. But the report further reveals that:-

No Yolk sac seen. No embryo seen. No cardiac activity seen.

The impression given by the Radiologist is that:-

'non viable early intra uterine pregnancy (Blighted ovum)'.

4. After considering the facts that are placed before me, I am unable to come to a conclusion that there was any

miscarriage being caused, as there cannot be any growth of foetus, there being no embryo or cardiac activity.

5. In the above circumstances, I direct the petitioner to surrender before the Chief Judicial Magistrate, Kollam, on 13/11/2006, at 11 a.m.

6. The learned Magistrate shall allow the petitioner to be on bail, on imposing such conditions, which are deemed necessary.

(J.M.JAMES)
Judge

ms